

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD¹
REGION 32

BUD ANTLE, INC., d/b/a
BUD OF CALIFORNIA

Employer-Petitioner

and

Case 32-UC-360

GENERAL TEAMSTERS,
WAREHOUSEMEN, AND HELPERS
UNION LOCAL 890, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, AFL-CIO
Union

DECISION AND ORDER

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority to the undersigned Regional Director.

Upon the entire record in this proceeding, the Regional Director finds:

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
2. The Employer-Petitioner, hereinafter the Employer, seeks clarification of the existing bargaining unit represented by the Union to exclude employees of subcontractors/custom harvesters doing business with the Employer.
3. Clarification of the bargaining unit is not warranted inasmuch as the investigation disclosed that the Union does not contend, nor does it seek, to represent the employees of any subcontractors/custom harvesters doing business with the Employer. Rather, the Union has merely filed, and is pursuing, grievances alleging that the Employer's subcontracting of certain work violates the subcontracting provisions of its collective bargaining agreement with the Employer. By letter dated November 13, 1998, the Union

¹ Herein called the Board.

advised the Employer that it was not only continuing to process the aforementioned grievances, but also was requesting that the Employer bargain over the terms and conditions of employment of the "labor contractor employees performing the subcontracted work." It appears that this rather ambiguous statement is the basis of the Employer's claim that the Union is seeking to represent those employees. However, the letter of the Union's counsel dated May 18, 1999, clearly states that the Union makes no claim to represent "any specific individual or classification employed by any of the [Employer's] subcontractors," effectively eliminating any such ambiguity.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, DC, 20570. This request must be received by the Board in Washington by June 11, 1999.

DATED AT Oakland, California, this 28th day of May, 1999.

/s/ James S. Scott

James S. Scott, Regional Director
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